### The Proposed New Honor Code: What’s Changed?

<table>
<thead>
<tr>
<th>Topic</th>
<th>Old</th>
<th>New</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prohibited conduct</strong></td>
<td>Academic conduct</td>
<td>Academic conduct</td>
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<tr>
<td></td>
<td>but also clarifies use of social media</td>
<td>but also clarifies use of social media</td>
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<td></td>
<td>and clarifies intent</td>
<td>and clarifies intent</td>
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<tr>
<td><strong>Complaints</strong></td>
<td>Recipient of complaint determined which</td>
<td>All complaints are referred to Honor</td>
</tr>
<tr>
<td></td>
<td>of two &quot;tracks&quot;</td>
<td>Board; all complaints follow same &quot;track&quot;</td>
</tr>
<tr>
<td><strong>Notice to student</strong></td>
<td>Certified mail</td>
<td>UBALT email</td>
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<tr>
<td><strong>Investigation</strong></td>
<td>No guidance, usually was a summary of</td>
<td>requires written, signed statement from</td>
</tr>
<tr>
<td></td>
<td>witness accounts</td>
<td>each witness; more objective</td>
</tr>
<tr>
<td><strong>Standard of review for PRP</strong></td>
<td>Not articulated. “Reasonable grounds to</td>
<td>Preponderance of the evidence</td>
</tr>
<tr>
<td></td>
<td>believe.”</td>
<td></td>
</tr>
<tr>
<td>**When a student admits to the</td>
<td>Went to the Dean, but sanction has to be</td>
<td>Student can settle directly with Hearing</td>
</tr>
<tr>
<td>conduct**</td>
<td>approved by hearing committee</td>
<td>Committee, which then determines</td>
</tr>
<tr>
<td></td>
<td></td>
<td>sanctions.</td>
</tr>
<tr>
<td>**Composition of Hearing</td>
<td>3 students, 3 faculty</td>
<td>4 students, 2 faculty</td>
</tr>
<tr>
<td>Committee**</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Standard at Hearing</strong></td>
<td>Clear and Convincing</td>
<td>Preponderance of the evidence</td>
</tr>
<tr>
<td>**Number of votes to find a</td>
<td>four (4)</td>
<td>five (5)</td>
</tr>
<tr>
<td>violation**</td>
<td></td>
<td></td>
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<tr>
<td><strong>Sanctions</strong></td>
<td>Included hard to impose (and unrelated)</td>
<td>Directly linked to students</td>
</tr>
<tr>
<td></td>
<td>things like community service</td>
<td>educational career</td>
</tr>
<tr>
<td><strong>Reporting to the Bar</strong></td>
<td>Not clear when or what to report</td>
<td>Any complaint that the PRP finds &quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>reasonable grounds&quot; to go forward</td>
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<td></td>
<td></td>
<td>will be reported - either as dismissed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>or violation.</td>
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<tr>
<td>**Selection of Honor Board</td>
<td>SBA is supposed to do this</td>
<td>Application and interview process;</td>
</tr>
<tr>
<td>members (students)**</td>
<td></td>
<td>not connected with SBA</td>
</tr>
<tr>
<td><strong>Dean’s role</strong></td>
<td>Notifies accused student of PRP decision;</td>
<td>The Dean conveys the findings of the</td>
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<td></td>
<td>and student could meet with Dean to</td>
<td>Preliminary Review Panel to the</td>
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<td></td>
<td>settle (but Hearing Committee had to</td>
<td>accused student, determines the</td>
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<td></td>
<td>approve); no guidance about</td>
<td>composition of the Hearing</td>
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<td></td>
<td>standard of review or materials to be</td>
<td>Committee and determines</td>
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<tr>
<td></td>
<td>considered.</td>
<td>appropriate sanctions if the Hearing</td>
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<tr>
<td></td>
<td></td>
<td>Committee cannot reach agreement</td>
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Overview

The Honor Board has been working for the past two years to improve the UB Law Honor Code and is now seeking input from students and faculty and from the Office of the Attorney General. The full text of the current Honor Code can be found in the Law School Catalog or online. The proposed revised code includes the following highlights and improvements:

- Clarification and streamlining of the process – establishes one track from complaint to hearing;
- Updating the “prohibited conduct” to reflect current technology and to improve readability;
- Providing guidance about standards for finding a violation and evaluating evidence;
- Clarification (of current practice) that Honor Code violations are reported to the Bar Examiners; and
- Codification of the current (but unarticulated) process for Honor Board member/chair selection.

Explanation of the changes to the process

- The current Code sets out essentially two separate avenues for resolution – one directly to the Dean and one to the Honor Board. This proposal streamlines the process – all complaints now go exclusively through the Honor Board, although a student may still elect to “settle” the case.
- This proposal articulates the standard that is used in evaluating evidence at Preliminary Review Panel stage and Hearing (preponderance of the evidence) and outlines what evidence the PRP and the Hearing Committee shall review. These issues are unclear in the current version.
- Investigation - This proposal provides clear guidance on how an investigation is to be conducted – the current version does not. The draft establishes that there will be two investigators and that the report will really be a compilation of signed witness statements. Right now, the reports just usually include a summary of what the witness said to the investigator. Signed statements will make the process more reliable and more objective.
- Hearing
  - In this proposal, the Hearing committee has the authority to “settle” with a student if the student admits to the conduct. In the current code, the student could meet with the Dean and reach a settlement. But part of the problem is that the Hearing Committee has to “approve” a Dean’s settlement with the student, and there is no information about what materials the Dean and/or Hearing Committee should have access to when attempting to approve or reject the settlement.
  - Composition of hearing committee – the current Code provides for 3 faculty and 3 students on the Hearing Committee, with a vote of 4 needed to find a violation. In this proposal, under revised code there will be 2 faculty and 4 students, and there will have to be 5 votes to find a violation and to impose a sanction.
  - This draft requires taping of hearings – nothing in the current version about that
- Sanctions
  - Clarifies that the Hearing Committee may consider evidence of mitigating factors presented by the accused student.
  - Adds a “catch all” sanction to provide flexibility in a unique situation.
- Appeals
  - No changes – still appeal to the provost.

(continued)
Selection of Honor Board Members

- The current code simply states that the SBA shall select honor board members but does not give any guidance about how or when or the process, nor was it actually implemented.
- This proposal codifies the process for selection of Honor Board members that has been used for the past 4 years – candidates apply through an application and interview process – that was not spelled out in the current version at all.
- This proposal also keeps the Honor Board and the SBA as separate entities so there is no conflict of interest.

Revisions and Approval process

All members of the School of Law Community will have an opportunity to provide feedback on the proposal. In addition, a new Honor Code must be approved by the Office of the Attorney General and the Office of the Provost.

- Students
  - Week of March 19 - Draft and summary posted online and sent via email to students
  - March 28 (noon, 5:30) – Open Forums for student input
  - Early April – revisions to proposal posted online and sent via email
  - Feedback on revisions taken via email.
- Faculty
  - March 7 – Consideration by Student Life Committee
  - Early April – Draft and summary posted sent via email to faculty
  - Mid-April – Consideration by Faculty Council
- Office of the Attorney General
  - Week of March 19 – initial review and feedback by Office of Attorney General
  - Mid April – Revised proposal (after student forums, and faculty council consideration)
  - End of April – Approval of Final Version
- Office of the Provost
  - Final version will be sent to the Office of the Provost after all other stakeholder groups provided input.
- Implementation of new Honor Code
  - Fall 2012
CURRENT HONOR CODE PROCESS  
(for illustrative purposes only)

REPORTED TO DEAN OR ADMINISTRATION

REPORTED TO HONOR BOARD

REFERRED TO PRELIMINARY REVIEW COMMITTEE (6 STUDENTS)

INVESTIGATION BY ADMIN

INVESTIGATION BY STUDENT INVESTIGATOR

“NO REASONABLE GROUNDS”

“REASONABLE GROUNDS”

“NO REASONABLE GROUNDS”

REPORT BACK TO ACCUSED STUDENT.

SETTLEMENT MEETING WITH DEAN

AGREEMENT TO VIOLATION

SANCTION

HEARING COMMITTEE (3 FACULTY, 3 STUDENTS)

NO VIOLATION

DISMISSED

VIOLATION

SANCTION

APPROVES - END

REJECTS – BACK TO HEARING

COMPLAINT

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(for illustrative purposes only)

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VIOLATION

SANCTION

APPROVES - END

REJECTS – BACK TO HEARING

PROPOSED REVISED HONOR CODE PROCESS 2012  
(for illustrative purposes only)

REFERRED TO HB CHAIR AND ADMINISTRATOR REVIEW FOR JURISDICTION: COMPLAINT IS DISMISSED IF ALLEGED CONDUCT IS NOT WITHIN THE PURVIEW OF THE HONOR CODE.

INVESTIGATORS AND PRP MEMBERS ARE SELECTED.

INVESTIGATION BY TWO STUDENTS

PRELIMINARY REVIEW PANEL HEARS INVESTIGATION REPORT AND STUDENT STATEMENT

“REASONABLE GROUNDS”

“I NO REASONABLE GROUNDS”

HEARING COMMITTEE IS SELECTED (2 FACULTY, 4 STUDENTS)

STUDENT ADMITS TO CONDUCT; DOES NOT CONTEST ALLEGATION

STUDENT CONTESTS ALLEGATIONS

HEARING ON SANCTIONS

HEARING ON MERITS (2 FACULTY, 4 STUDENTS)

VIOLATION

NO VIOLATION

HEARING COMMITTEE DETERMINES SANCTIONS

ACCUSED STUDENT IS NOTIFIED OF SANCTIONS REPORT TO BAR

APPEALS PROCESS, IF NECESSARY

REPORT TO BAR AS DISMISSAL

COMPLAINT

REPORT BACK TO ACCUSED STUDENT.

CURRENT HONOR CODE PROCESS 2012

(REPORT TO BAR)

COMPLAINT

REPORT BACK TO ACCUSED STUDENT.

CURRENT HONOR CODE

PROCESS

(REPORT TO BAR)

COMPLAINT

REPORT BACK TO ACCUSED STUDENT.

CURRENT HONOR CODE

PROCESS

(REPORT TO BAR)

COMPLAINT

REPORT BACK TO ACCUSED STUDENT.

CURRENT HONOR CODE

PROCESS

(REPORT TO BAR)

COMPLAINT

REPORT BACK TO ACCUSED STUDENT.

CURRENT HONOR CODE

PROCESS

(REPORT TO BAR)

COMPLAINT

REPORT BACK TO ACCUSED STUDENT.